

Serial No. 09/760,169  
Attorney's Docket 00/002 MFE  
Art Unit 1773

at least one flame retardant;  
where at least the flame retardant is provided as a compounded first masterbatch, and preferably also the UV stabilizer, where the UV stabilizer is thermally stable at temperatures exceeding 240°C, is provided in the first masterbatch or as a compounded second masterbatch during production of the film, where said oriented film has a luminous transmittance of >80%; a surface gloss of >100; a haze of 20% and a yellowness index of 10.

### REMARKS

On page 2, paragraph 2, Examiner rejected claims 1-11 under 35 U.S.C. 112 as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner notes that the language of claim 1 includes limitations for luminous transmittance and surface gloss of 80% and 100 respectively. The examiner also correctly notes that there is no support in the either the specification or the claims for the specific endpoints required by the applicant in claim 1. In light of Examiner's comments, Applicant has amended claim 1.

Examiner should find the current limitations of luminous transmittance >80% and surface gloss >100 required in amended claim 1 within the limitations recited in the specification. Support for the new limitations are also found in Applicant's original claim 12 as filed.

Applicant points out that the proposed amendment does not raise any new issues that would require further consideration or additional searches. The limitations required by proposed claim 1 were fully searched and considered previously by the Examiner in responding to Applicant's originally filed claim 12. Examiner cited no independent grounds to reject claim 12. It was instead rejected based solely on its dependency upon originally filed claim 1. As such, adding the unobjectionable limitations of claim 12 to independent claim 1 should place claim 1 in a condition of allowance.

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On page 2 paragraph 3, Examiner discloses, but does not rely upon, German patent #DE19630599A1 as being relevant to the applicant's invention. It is noted by the applicant that the current application was owned by and subject to an obligation of assignment to Mitsubishi Polyester Film GMBH, the same entity as the cited German patent reference at the time this invention was made. Accordingly, the reference would be disqualified as prior art through 35 U.S.C. 102(f) or (g) in any rejection under 35 U.S.C. 103 in this application. It is also noted that at least one inventor Murschall is common to both the cited German patent #DE19630599A1, and the pending application.

German patent #DE19630599A1 cited by the examiner discloses a polyethylene terephthalate containing UV stabilizers and phosphorus stabilizing compounds. However, there appears to be no use of either organic phosphorus compounds or any other material as a flame retardant in German patent '599. While German patent '599 does disclose a film having good optical properties, there does not appear to be any discussion of limitations on the degree of yellowness or haze inherent to the film. As pointed out earlier, including the UV stabilizers and flame retardant phosphorus compounds within the crystallizable thermoplastic have an adverse effect on the optical properties. Being able to obtain a film with the long-term stability due to the introduction of additional components into the masterbatch while still retaining a low degree of haze and yellowness is a very surprising result.

A petition for a two-month extension of time and the appropriate fees are attached.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is **Version With Markings To Show Changes Made.**

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In view of the Amendments to the claims, and in light of these remarks, it is submitted that the present application is now in condition for allowance and such is respectfully requested.

Respectfully submitted,



Klaus Schweitzer  
(See attached Recognition Form)  
ProPat L.L.C.  
2912 Crosby Road  
Charlotte, North Carolina 28211-2815  
Telephone (704) 365-4881  
Fax (704) 365-4851

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE****In the Claims**

Claim 1 has been amended as follows:

1. (Twice amended) A transparent, low-flammability, UV-resistant, oriented film made from a film forming thermoplastic and having a thickness of from 5 to 300  $\mu\text{m}$ , wherein the film comprises:
  - at least on crystallizable thermoplastic;
  - at least one UV stabilizer;
  - at least one flame retardant;where at least the flame retardant is provided as a compounded first masterbatch, and preferably also the UV stabilizer, where the UV stabilizer is thermally stable at temperatures exceeding 240°C, is provided in the first masterbatch or as a compounded second masterbatch during production of the film, where said oriented film has a luminous transmittance of ~~80%~~  $\geq 80\%$ ; a surface gloss of ~~100~~  $\geq 100$ ; a haze of 20% and a yellowness index of 10.